

ORIGINAL

FILED IN COURT
2/19/2004
Lester D. Thomas, Clerk

By: *Sam M. Jule*
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: TRI-STATE)
CREMATORY LITIGATION) MDL DOCKET NO. 1467
)

**FUNERAL HOME DEFENDANTS' AMENDMENT AND SECOND
SUPPLEMENT TO THE PRE-TRIAL ORDER**

The FUNERAL HOME DEFENDANTS respectfully amend and
supplement the Pre-Trial Order as follows:

17.

The legal issues to be tried are as follows:

As indicated by the Court in the Pretrial Conference on February 5, 2004,
the Funeral Home Defendants have revised their contentions of the issues to be
tried, without waiving the previously stated contentions, and they are:

Funeral Home Defendants' Outline of Legal Issues

1. Whether each individual Plaintiff can prove that the Funeral Home Defendant that dealt with that specific Plaintiff breached the funeral service contract between the parties?
2. Whether Plaintiffs can prove that each individually named Funeral Home Defendant had any legal duty to Plaintiffs with respect to the

cremations at Tri-State during the years that the specific Funeral Home Defendant utilized the services of Tri-State? Depending on the Funeral Home and the years the Funeral Home sent remains to Tri-State for cremation, the legal duty must be examined for the years 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and 2002.

3. Whether Plaintiffs can prove that each individually named Funeral Home Defendant breached any standard of care during the years that the Funeral Home Defendant sent remains to Tri-State?
4. Whether each individually named Funeral Home Defendant had a nondelegable duty with respect to the remains sent to Tri-State based on the express language of the contract utilized by that Funeral Home Defendant?
5. Whether each individually named Funeral Home Defendant had a nondelegable duty with respect to the remains sent to Tri-State based on the Georgia statutes in effect during the years the Funeral Home Defendant sent remains to Tri-State?
6. Whether the events at Tri-State were reasonably foreseeable by each individually named Funeral Home Defendant?

7. Whether any criminal activity by the Marshes qualifies as an intervening criminal act, thereby ending liability?
8. Whether each individually named Funeral Home Defendant can be held liable for the action of the Tri-State Defendants if and when these independent contractors willfully interfered with or mishandled specific remains?
9. Whether Plaintiffs can prove that each individually named Funeral Home Defendant acted in a willful and wanton manner under Plaintiffs' willful interference claim?
10. Whether each Plaintiff is the next of kin with a quasi-property right in a decedent sent to Tri-State for cremation?
11. Whether the Plaintiffs can prove that each individually named Funeral Home Defendant negligently breached the contract to carry out the expressed wishes of the next of kin regarding cremation?

18.

Attached hereto as Attachment "F-1" for the plaintiff, Attachment "F-2" for the defendant, and Attachment "F-3", etc. for all other parties is a list of all the witnesses and their addresses for each party.

Funeral Home Defendants attach a Revised Witness List, marked as Revised Attachment F-2.

20.

The following designated portions of the testimony of the persons listed below may be introduced by deposition:

Funeral Home Defendants submit the designations of the depositions as shown on Attachment F-2, Deposition Designations.

23.

Funeral Home Defendants request that the Verdict Form be submitted to the Court on Monday, February 23, 2004.

Respectfully submitted, this 19th day of February, 2004.

**BRINSON, ASKEW, BERRY, SEIGLER,
RICHARDSON & DAVIS, LLP**

By: Robert M. Brinson

Robert M. Brinson
Georgia Bar No. 982900

By: J. Anderson Davis

J. Anderson Davis
Georgia Bar No. 211077

The Omberg House
615 West First Street
Post Office Box 5513
Rome, GA 30162-5513
Phone 706/291-8853
Fax 706/234-3574

Lead and Liaison Counsel for Defendant
Funeral Homes



EXHIBIT / ATTACHMENT

F 

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EXHIBIT / ATTACHMENT

2

(To be scanned in place of tab)

In re: Tri-State Crematory Litigation
MDL Docket No. 1467

REVISED ATTACHMENT F-2
FUNERAL HOME DEFENDANTS
MAY CALL WITNESS LIST
2/19/04

NAME	ADDRESS
Allen, Patrica	211 Center Point Rd. 706-764-2913
Anderson, Glenda	17 Sunset Dr. LaFayette, GA 30728
Anderson, Lois	293 Forrest Way Drive LaFayette, GA 706-764-0067
Arnold, Dorothy	427 Loughridge Lane LaFayette, GA 30728 706-764-2828
Autry, Janet	192 Forrest Way Dr. LaFayette, GA 30728 706-764-9919
Barbee, David	784 Staniford Gap Rd. Chattanooga, TN 423-899-2091
Barrett, Larry	Barrett & Associates- Lafayette Sq. 706-638-5884
Barrow, Brian	Hardwick & Sons Funeral Home- 913 E. ML King Blvd. Chattanooga, TN 37403 423-267-1244
Barton, James	338 Miller Mt. Rd. N.W. Lindale, GA
Bates, Gloria	East Tennessee State Funeral Directors and Mortician Association, Inc.-
Bellenfant, Larry	J. Avery Bryan Funeral Home- 747 McCallie Ave Chattanooga, GA 37403 423-266-2131
Bennett, Eric	49 Ray Marsh Lane 706-764-2071-

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Bingham, Shane	2938 Dug Gap Rd Dalton, GA 706-217-5344
Blevins, Mike	Chattanooga Funeral Home
Boyd, Byron	24 Mountain View Drive Jasper, TN 37347 423-942-2887
Boyd, Harrell	24 Mountain View Drive Jasper, TN 37347 423-942-2887
Boyle, Ruth	471 Loughridge Lane LaFayette, GA 30728 706-764-1711
Brown, Barbara	201 Center Point Rd. LaFayette, GA 706-764-1874
Brown, Lawrence & Betty	26 Forrest Way Drive LaFayette, GA 30728 706-764-1492
Brown, Steve	212 Halls Mill Rd Chickamauga, GA 30707 706-539-1572
Buckmon, Brian	3521 Selma Ave. Knoxville, TN 865-540-4441
Bush, Wayne	1600 McArthur Dr. Manchester, TN 931-728-2936
Cagle, Bob	Cagle Funeral Home 364 E. Church St Jasper, GA 30143 706-692-6615
Cagle, David	Cagle Funeral Home 364 E. Church St Jasper, GA 30143 706-692-6615
Carter, Majorie	W.L. Wilson Funeral Home 555 W. Coould Spring Rd Rossville, GA 30741 706-866-5555

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Coleman, Gwyndolyn,	Hardwick & Sons Funeral Home 913 ML King Blvd. Chattanooga, TN 37403 423-267-1244
Cook, Howard	
Cornwell, Rev. Charles	118 Center Point Rd. LaFayette GA 30728 706-764-1447
Coulter, Bennie	
Crews, Dave Stamp, Brad Threabold, David	David Threabold 148 Black Fountain Circle Flintstone, GA 706-820-4002 Industrial Heating Systems
Crox, Walt	Covenant Funeral Home
Day, Brady	102 Sparks St. LaFayette, GA 706-638-2676
Day, Louise	49 Forrest Way Drive LaFayette, GA 30728 706-764-1737
Dunford, Charles, R.	300 Forrest Way Drive LaFayette, GA 30728 706-764-1946
Earwood, James	Rt.1 Box 912 Summerville, GA
Eggert, James C.	532 Highway 28 Dunlap, TN 423-949-2112
Edwards, Bobby	7154 Hwy 27 Rock Springs, GA 706-764-1983
Farley, Edwin	P.O. Box 288 Pikeville, TN 423-533-2487
Ferguson, Rev. Steve	28 Stone Edge Court Ft. Oglethorpe, GA 30742

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Fickey-Clark, Brandy	114 West Lafayette Sq. LaFayette, GA 30728 706-638-2811
Foster, Robert H.	Foster & Sons's Funeral Home 116 St. Clair St. Tracy City, TN 913-592-3691
Galloway, Chris	515 Loughridge Lane LaFayette, GA 30728 706-764-2792
Garmon, Agent James	GBI
Garrett, Lee	718 North Holly Street Chattanooga, TN
Goddard, Bruce	SCI Georgia
Gilbert, Henry	Bank of LaFayette 706-638-2520 101 Patton Ave LaFayette, GA 30728
Gregg, James Christopher	2011 Martin Luther King Jr. Dr. Dalton, Georgia 30720
Guinn, Don	2009 Gail Street Roseville, Georgia 30741
Hagler, Thomas	Hagler & Associates, LLC 1207 E. 23 rd St. Chattanooga, TN 37408 423-265-2281
Hale, Mark & Cindy	23 Forest Way Drive LaFayette, GA 30728 706-764-2524
Hancock, Terry	385 Stanfield Rd. LaFayette, GA 30728
Hargis, John	Wann Funeral Home 4000 Tennessee Ave. Chattanooga, TN 37409

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Haywood, Paul	Blossman Gas Company HWY 27 North Lafayette, GA 30728
Hedrick, Richard	Chattanooga Funeral Home-East Chapel S. Moore Rd & 124 Chattanooga, TN 37402 423-698-2541
Hill, Frank	Hardwick & Sons-see Brian Barrow
Hollimon, Harold	Chickamauga Railroad Villanow St, LaFayette, GA
Hughes, Paul	1128 Ben Hill Rd. Dalton, GA 30720 706-313-2702
Huskie, Randy	2011 Martin Luther King Jr. Drive Dalton, Georgia 30720
Jefferson, Bobby	Taylor Funeral Home 3417 Wilcox Blvd. Chattanooga, TN 423-622-8152
Jennings, Parnick Sr.	Parnick Jennings Funeral Home 430 Cassville, Rd Cartersville, GA 30120 770-382-0034
Jennings, Parnick, Jr.	Parnick Jennings Funeral Home 430 Cassville, Rd Cartersville, GA 30120 770-382-0034
Johnson, Ken	Erwin-Petit Funeral Home Summerville, GA
Johnson, Johnny	320 Center Point Rd LaFayette, GA 30728 706-764-1645

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Jones, Keith	Former Employee- Tri-State-Unknown
Lay, Dean	116 St. Clair St. Tracy City, TN
Lee, Kenny	224 Sagebrush Lane Rossville, GA 30741 706-865-2858
Lehman, Joe T.	J. Avery Bryan-see Larry Bellenfant
Lombardi, Tony	Matthew Cremation P.O. Box 547796 Orlando, FL 10800-327-2831
Long, Alvin	
Looker, Steve	Matthew Cremation P.O. Box 547796 Orlando, FL 1-800-327-2831
Lovin, Dan	Chattanooga Funeral Home-see Mike Blevins
Large, John	252 Loughridge Lane LaFayette, GA 30728 706-64-2916
Large, Maryann	8056 Hwy. 337 LaFayette, GA 30728 706-638-1290
Mabrey, Carroll	Chattanooga Funeral Home
Mandall, Agent Robbie	GBI
Marsh, Brent	
Marsh, Clara	
Marsh, James	222Waktgakk Av. Chickamauga, GA 706-375-5457

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Marsh LaShae Rhames	
Marsh, Minnie	2011 Martin Luther King, Jr. Drive Dalton, Georgia 30720
Marsh, Vanessa	
Massey, John	Funeral Board
Mavity, Kenneth & Margaret	305 Loughridge Lane LaFayette, GA 30728
McDaniel, Louie	Chattanooga Funeral Home
McGill, W.E. "Bill"	Ex-Walker County Corner
Mitchell, Rosa	1135 Campbell Ave, Apt. B15 LaFayette, GA 30728 706-638-3332
Moore, Larry	P.O. Box 816 Trenton, GA 706-657-4382
Moore, Mary	P.O. Box 816 Trenton, GA 706-657-4382
Morrison, Major Hill	Walker County Sheriff Department
Motley, Mark	277 Forrest Way Drive LaFayette, GA 30728 423-595-3008
Oliver, Steve	403 Park Canuin Dr. Dalton, GA 706-280-9395
Overstreet, Rev. Clarence E.	House of Overstreet
Oxford, Rich	Turner22 Lexington Rd. Crawfordville, GA 30631

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Pettit, Durward	Erwin- Pettit
Pettyjohn, Lynn	417 Loughridge Lane LaFayette, GA 30720 706-764-2489
Pike, Eugene M.	SCI Tennessee
Pickard, Nathaniel	3536 Cottonwood Lane Chattanooga, TN
Ponders, Stonewall	Kenemer Brothers Funeral Home
Price, Rev. Frank	874 Highland Ave Summervill, GA 706-857-2477
Rainwater, Earle	J.D. Hill Funeral Home Summerville, GA
Ramey, Greg	GBI
Revell, Dr.	GBI
Rush, Greg	220 Wilwood Ave Cleveland, TN
Russell, Robert	P.O. Box 506; Highway 11 South Trenton, GA 30752 706-657-7525
Ryan, David	P.O. Box 506; Highway 11 South Trenton, GA 30752 706-657-7525
Ryan, Robert	P.O. Box 506 Highway 11 South Trenton, GA 30752 706-657-7525
Schrader, Robert	607 Eagle View Dr. Ringgold, GA 706-965-5162

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Shelby, Robert	250 Forrest Way Drive LaFayette, GA 30728 706-764-2758
Smith, Vadie	371 Center Point Dr. 706-764-1206 LaFayette, GA
Snow, Mike	
Solomon, Carolyn	185 Forrest Way Dr. LaFayette, GA 30728 706-764-1838
Sperry, Kris Dr.	Medical Examiner Walker Co.
Stanfield, Mark	Walker County Sheriff
Stone, James	148 Forrest Way Drive LaFayette, GA 30728 706-764-2682
Suttles, Mary	2011 Martin Luther King Jr. Dr. Dalton, GA 30720
Suttles, Robert	
Tate, Randy	950 Mel Dixon Lane Jasper, TN 37347 423-942-9500
Taylor, Anita	3417 Wilcox Blvd. Chattanooga, TN 37411 615-622-8152
Taylor, Carl	3417 Wilcox Blvd. Chattanooga, TN 37411 615-622-8152
Taylor, Dorothy	Taylor Funeral Home
Taylor, Jackie	3417 Wilcox Blvd. Chattanooga, TN 37411 615-622-8152
Taylor, John	3417 Wilcox Blvd. Chattanooga, TN 615-622-8152

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Thomas, Bruce	535 Red Bud Rd Calhoun, GA 30701 706-629-2832
Thompson, David	Chattanooga Funeral Home
Thompson, R.C.	Wann Funeral Home 4000 Tennessee Ave. Chattanooga, TN 37409
Trammell, Gertrude	765 MLK Blvd. Chattanooga, TN 37403
Trammell, Sandra	Hardwick & Sons Funeral Home
Walker, Don	197 Lougridge Lane LaFayette, GA 30728 706-764-2446
Walker, Paula	197 Laugridge Lane LaFayette, GA 30728
Ware, Thomas	205 South Chattanooga St LaFayette, GA 30728 706-581-6989 cell
Waters, Lonnie	40 Eastwood Circle Jasper, GA 706-692-3716
Wilbanks, Richard	121 West Villanow St. LaFayette, GA 706-638-2222
Wilbanks, Sherman	2807 Josh Ward Rd. Summerville, GA 706-859-2285
Wilhite, Darlene	217 Williams Park Flintstone, GA 30725 423-280-4418
Williams, Eugene	Franklin-Strickland Funeral Home
Willis, Willie James	765 MLK Blvd. Chattanooga, TN 37403

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Willis, William, Jr.	2011 Martin Luther King Dr, Dalton, GA 30720
Willis, William, Sr.	2011 Martin Luther King Dr. Dalton, GA 30720
Wilson, David	c/o W.L. Wilson & Sons Funeral Home 555 West Cloud Springs Road Ft. Oglethorpe, GA 30742
Wilson, Dwayne	Walker County Coroner
Wilson, Glenda	c/o W.L. Wilson & Sons Funeral Home 555 West Cloud Springs Road Ft. Oglethorpe, GA 30742
Wilson, Leroy	W. L. Wilson & Sons Funeral Home
Wilson, Sheriff Stephen	Walker County Sheriff Department
Winston, Cory	3417 Wilcox Blvd. Chattanooga, TN 37411
Wolf, Darren	Chattanooga Funeral Home
Worthington, Mike	19445 Hwy 157 Raising Fawn, GA 30738 706 398-0690
Wright, Jeff	180 Ferndale Dr. Rossville, GA 30741
Yates, Randy	63 Loughridge Lane LaFayette, GA 30728 760-764-2041

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	DEFENDANTS' EXPERTS
Baden, Dr. Michael	15 West 53 rd St. New York, NY 100019 212-397-2732
Ballantyne, Dr. Jack	
Bell, Dr. Garry L. DDS	
Bonanno, Dr. George Ph.D.	Columbia University 106 Morningside Drive Apartment 89 New York, NY 10027 212-678-4769
Davis, Dr. Dave M.	Piedmont Psychiatric Clinic 1938 Peachtree Road, N.W. Suite 505 Atlanta, GA 30309-1258 404-355-2914
Dietz, Park	537 Newport Center Dr. #300 Newport Beach, CA 92660
Falsetti, Anthony B. Ph.D.	Department of Anthropology University of Florida P.O. Box 112545 Gainesville, FL 32611 352-392-6772 1510 NW 28 th St Gainesville, FL 32605
Green, Keith M.	Hayworth-Miller FH 220 Heatherton Way Winston-Salem, NC 27104

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Hayworth, Terry M.	Hayworth-Miller FH 220 Heatherton Way Winston-Salem, NC 27104
Holland, Dr. Thomas	U.S. Army Central Identification Laboratory, Hawaii 310 Worchester Ave Hickman, AFB, HI 96853-5530 808-448-8062 x 51
Kroboth, Alan J	Rosedale & Rosehehill Cemetery 355 East Linda Ave Linden, NJ 07036 908-523-2368 146 W.5th Ave Roselle, NJ 07203
Levine, Lowell, DDS	240 Brentwood Court West Albany, NY 12203 518-452-8830
Murad, Turhon A. Ph.D.	Department of Anthropology California State University Chico, CA 95929-0400 530-898-6192
Ressler, Robert K.	P.O. Box 187 Spotsylvania, VA 22553-0187 540-582-0219
Van Beck, Todd W.	555 Butterfield Rd. Apt. 919 Houston, TX 77090 281-895-6096
142423	

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DEFENDANT'S EXCERPTS FROM JOHN TAYLOR'S DEPOSITION

Deposition of John Taylor: 18:2-5; 22: 23 - 23: 16; 24: 12-25: 11; 27: 15-21; 29: 2-9; 28: 23-29: 1-3; 29: 24-30: 5; 30: 10-25; 31: 23-32: 22; 33: 5-12; 34: 14-18; 35: 1-7; 35: 19-23; 36: 13-21; 38: 10-19; 38: 20; 39: 14; 39: 17-40: 6; 40: 13-23; 41: 10-42: 8; 42: 20-43: 6; 44: 6-14; 105: 11-16; 132: 3-8; 132: 16-19; 134: 9; 134: 22-135: 10; 139: 22; - 140: 1; 148: 19-149: 11; 149: 18-25; 150: 1-18; 150: 22-151: 1-4; 151: 5-12; 154: 15;- 155: 17; 158: 25-159: 1-3.

JAMES EGGERT'S DEPOSITION EXCERPTS

Deposition of James Eggert: 19: 10;-20: 7; 20: 13-22:16; 25: 25-27:5; 31: 10-31:20; 41: 17-43: 16; 45: 16-24; 46: 12-49:1; 56: 5-58: 15; 60: 4-62: 24; 64: 14-66:18; 67: 14-68:19; 93: 4-8; 93: 11-22; 93: 25-94: 1.

ROBERT A. RYAN, JR.'S DEPOSITION EXCERPTS

Deposition of Robert A. Ryan, Jr.: Defendants designate the entire deposition EXCEPT: 23: 9-35: 7; 43: 24-45: 1; 73: 1-74:1; 94: 25-97: 1.

WAYNE BUSH'S VIDEO DEPOSITION DESIGNATIONS

Video Deposition of Wayne Bush: 6:2-7:22; 18:6-19:2; 19:10-21:20; 33:16-36:7; 45:13-46:3; 74:1-75:16; 95:10-24; 101:9-102:1.

JOHN HARGIS (ODEN) DEPOSITION DESIGNATIONS

Oden Deposition of John Hargis: 11:11-12; 26:12-16; 12:1-14; 13:25-14:8; 14:22-15:8; 15:13-17; 16:11-14; 25:1-18; 27:21-28:2; 28:10-17; 30:21-31:6; 38:11-15; 71:10-23; 40:14-17; 58:17-59:16; 69:25-70:6; and 71:14-20.

JOHN HARGIS (MDL) DEPOSITION DESIGNATIONS

Deposition of John Hargis: 7:11-16; 8:19-9:10; 11:2-7; 33:22-34:13; 37:8-25; 15:10-12; 15:20-16:1; 19:23-20:13; 21:14-22:8; 25:4-16; 23:21-24:20; 31:20-31:19; 38:3-20; 44:16-46:1; 46:6-48:16; 54:1-14; 54:22-55:6; 57:1-13; 57:25-58:12; 60:23-62:24; 65:17-23; 67:1-12; 68:14-69:8; 82:21-83:8; and 91:6-11.

DEFENDANT'S EXCERPTS FROM DURWARD PETITT'S DEPOSITION

Deposition of Durward Petitt: 6:8-7:23; 8:7-9:23; 10:2-9; 11:13-12:16; 19:20-20:2; 21:5-20; 22:11-23:12; 27:17-23; 28:11-29:3; 29:18-25; 32:4-33:4; 34:7-35:16; 38:3-24; 39:14-20; 40:16-25; 41:7-43:8; 45:24-46:18;

48:12-49:1; 50:9-14; 52:18-54:6; 55:16-59:21; 59:25-60:6; 60:12-23; 62:4-15; 62:25-63:13; 65:11-66:20; 68:8-12; 69:12-25; 70:20-71:5; 75:24-76:2; 76:16-77:24; 79:4-9; 80:2-22.

LEROY WILSON - DEFENDANT WL WILSON'S DEPOSITION CLIPS

(From Depo #1 - 10/3/02)

7:17 - 8:5; 13:34 - 14:2; 30:24 - 31:1; 46:14 - 47:2; 47:10 - 48:2; 59:2 - 59:10; 64:22 -25; 72:10-20; 73:21 - 74:2; 74:10-16; 80:18-23; 81:16 - 82:3; 82:14-19; 90:12-16; 91:11-23; 92:10-16.

DEPOSITION OF EUGENE PIKE

p. 5: l. 13 thr/ p. 7: l. 5: Rule of Completeness: p. 4: l. 20- thr/ p. 5: l. 9
p. 7: l. 25 thr/ p. 8: l. 7: Rule of Completeness: p. 8: l.8-13
p. 13: l. 17 thr/ p. 14: l. 4: Rule of Completeness: p. 14: l. 19 thr/ p. 15: l. 1
p. 17: l. 22 thr/ p. 18: l. 15: Rule of Completeness: p. 18: l. 16 thr/ p. 19: l. 4
p. 19: l. 11 thr/ p. 20: l. 10: Rule of Completeness: p. 21: l. 2-9; p. 62: l. 20
thr/ p. 63: l. 4
p. 39: l. 15-19: Objection: Relevance
p. 58: l. 24 thr/ p. 60: l. 16: Rule of Completeness: p. 60: l. 17-23
p. 61: l. 2-10: Rule of Completeness: p. 60: l. 17-23

DEPOSITION OF BRUCE GODDARD

P. 4: l. 10-13: Rule of Completeness: p. 4: l. 14-16

P. 5: l. 6-9: Objection: Relevance to liability; individual funeral homes are defendants, not entire SCI

P. 6: l. 15-22: Objection: Referencing insurance for SCI Georgia; line 22 is first line of next 3 line question

P. 6: l. 4-11: Objection: Relevance

P. 7: l. 3-7: Objection: Relevance

P. 7: l. 16 thr/ p. 9: l. 6: Objection: Relevance; prejudicial

P. 10: l. 4-18: Objection: Relevance

P. 11: l. 9-21: Objection: Relevance; International is not a party but individual funeral homes; Objection: Prejudicial

P. 15: l. 4-25: Objection: Relevance; Attorney Client Privilege

P. 16: l. 12 thr/ p. 17: l. 23: Objection: Relevance; prejudicial for p. 17: l. 13-23; A. Davis objected to form of question

P. 20: l. 11-14: Rule of Completeness: p. 18: l. 1 thr/ p. 20: l. 10; P. 20: l. 15-18

P. 21: l. 13 thr/ p. 23: l. 12: Objection: Relevance ; Rule of Completeness: p. 18: l. 1 thr/ p. 20: l. 10

P. 24: l. 24 thr/ p. 26: l. 6: Objection: Relevance; corporate setup at SCI not relate to individual funeral homes; certainly does not prove liability

P. 26: l. 13-18: Objection: Relevance; corporate setup at SCI not relate to individual funeral homes; certainly does not prove liability

P. 27: l. 5-23: Objection: Relevance; prejudicial; has first line (23) on 2 line sentence

P. 28: l. 21 thr/ p. 30: l. 12: Objection: Relevance; corporate setup at SCI not relate to individual funeral homes; certainly does not prove liability

P. 35: l. 7-25: Objection: Relevance

P. 36: l. 14 thr/ p. 37: l. 14: Objection: Relevance for part

P. 43: l. 8-10: Rule of Completeness: p. 43: l. 11-14

P. 43: l. 23 thr/ p. 44: l. 8: Rule of Completeness: p. 16: l. 12-22

P. 46; l. 3-7: Rule of Completeness: p. 46: l. 9-11

P. 49: l. 10-18: Objection: Relevance

P. 51: l. 21 thr/ p. 54: l. 5: Objection: Relevance

P. 56: l. 24 thr. P. 58: l. 3: Objection: Relevance

P. 58: l. 24 thr/ p. 63, l. 16: Rule of Completeness: p. 63: l. 17-19

Objection: Relevance

P. 63: l. 20 thr/ p. 64: l. 6: Objection: Relevance

P. 64: l. 18-22: Objection: Relevance

P. 65: l. 1 thr/ p. 67: l. 6: Objection: Relevance; not show manuals in effect during time used Tri-State or when manuals in effect

P. 68: l. 15 thr/ p. 69: l. 2: Objection: Relevance

P. 69: l. 7 thr/ p. 70: l. 6: Objection: Relevance

P. 70: l. 12 thr/ p. 74: l. 7: Objection: Relevance

P. 75: l. 3-21: Objection: Relevance; post 2002 actions [maybe remedial measures]

P. 76; l. 21 thr/ p. 77: l. 11: Objection: Relevance; post 2002 actions [maybe remedial measures]; Rule of Completeness: p. 77: l. 12-14

P. 77: l. 15 thr/ p. 78: l. 7: Objection: Relevance; post 2002 actions [maybe remedial measures]

**FUNERAL HOME DEFENDANTS' COUNTER-DESIGNATIONS
FROM NOVEMBER 13, 2002 DEPOSITION OF RICHARD WILBANKS**

Plaintiffs' Designation	Defendants' Counter- Designation
p. 35	Tri-State was only crematory in area while SCI owned Wallis & Sons (pp. 46-47)
p. 64	Saw situation at Lane South Crest where there was body in retort and body brought had to wait until other completed (pp. 65-66)
pp. 68-69	Even after procedure changed, Wilbanks took bodies to Tri-State (p. 70)
pp. 79-80	Left the permit and cremation authorization form with the Marshes (p. 85)
p. 87	Wilbanks "figured" the state would take care of whether Tri-State needed to be licensed (p. 88)
p. 102	Wilbanks "figured" the state would take care of whether Tri-State needed to be licensed (p. 88)
pp. 115-117	Did not see protective clothing at Lane South Crest; at Lane South Crest, persons placing bodies in retorts did not wear protective masks (p. 117)

CERTIFICATE OF SERVICE

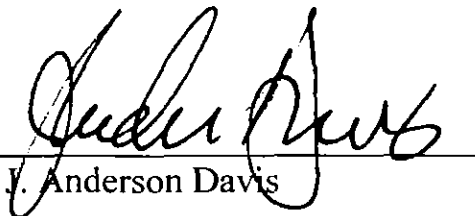
This is to certify that I have this day served counsel for all parties with a copy of the within and foregoing **Funeral Home Defendants' Supplement to the Pre-Trial Order** by causing a copy of same to be placed in first class U.S. mail with adequate postage affixed thereto and addressed as follows:

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This 19th day of February, 2004.


J. Anderson Davis